United Nations S/2005/842

Security Council

Distr.: General
29 December 2005

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Note by the President of the Security Council

I have the honour to transmit a letter dated 22 December 2005 from the Chairman of the Informal Working Group of the Security Council on General Issues of Sanctions addressed to the President of the Security Council, transmitting the report of the Security Council Informal Working Group on General Issues of Sanctions on its activities in 2005 (see annex).

05-66690 (E) 090106

Annex

Letter dated 22 December 2005 from the Chairman of the Informal Working Group of the Security Council on General Issues of Sanctions addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Informal Working Group of the Security Council on General Issues of Sanctions on its activities in 2005 (see enclosure). The report was adopted on 19 December 2005.

I should be grateful if the present letter and its enclosure could be circulated as a document of the Security Council.

(*Signed*) Augustine P. **Mahiga**
Chairman
Security Council Informal Working Group
on General Issues of Sanctions

Enclosure

Report of the Informal Working Group of the Security Council on General Issues of Sanctions

I. Introduction

1. By the note of the President of the Security Council dated 29 January 1999 (S/1999/92), the members of the Security Council adopted a number of practical proposals for improving the work of sanctions committees in accordance with the relevant resolutions and agreed to continue to consider the matter. In a subsequent note by its President, dated 17 April 2000 (S/2000/319), the Council authorized the establishment, on a temporary basis, of an informal working group of the Council to develop general recommendations for improving the effectiveness of sanctions regimes. An overview of the Group's activities during the period 2000-2004 is contained in the attachment to the present report.

II. Activities of the Working Group in 2005

2. In the note by the President of the Security Council dated 5 January 2005 (S/2005/4), the Council members agreed that Augustine Mahiga, Permanent Representative of the United Republic of Tanzania to the United Nations, should serve as Chairman of the Working Group for the period ending 31 December 2005. After a thorough analysis of the situation, with the assistance of the Secretariat, the Chairman engaged in extensive bilateral consultations with members of the Working Group in early 2005. In April 2005, the Working Group tentatively approved its programme of work, with a focus on enhancing its understanding of the major sanctions issues through briefings by experts. The Working Group convened 10 informal meetings in 2005 and was briefed by invited experts on different sanctions-related issues at five of them.

3. At its meeting on 2 June 2005, the Working Group was briefed on the issue of the implementation and enforcement of sanctions by five invited experts: David Cortright, Juan Larrain, Marja Lehto, George Lopez and Anthonius de Vries. The Chairman emphasized that the issue of the implementation and enforcement of sanctions was essential to the success of any sanctions regime. Dr. Cortright and Professor Lopez gave a joint presentation on the history and current trends of sanctions policy. Professor Lopez referred to the effectiveness of sanctions and elaborated on the conditions under which sanctions were likely to succeed or fail. Ms. Lehto shared her experience on sanctions implementation in Finland and observed that in the light of the increased sophistication and complexity of sanctions regimes, the work of sanctions committees was not sufficiently transparent. She also noted that monitoring mechanisms had greatly improved sanctions implementation through their comprehensive reports. Ambassador Larrain shared his experience as the former Chairman of the Monitoring Mechanism on Sanctions against UNITA and emphasized the importance of supporting allegations of sanctions violations with solid evidence. Based on his experience as the sanctions coordinator of the European Commission, Mr. de Vries noted that the success or failure of a particular regime could ultimately be attributed to the quality of its planning.

4. At its meeting on 22 July 2005, the Working Group was briefed on the issue of monitoring mechanisms by five monitoring experts: Abdoulaye Cissoko, Jean-Luc Gallet, Wilson Kalumba, Alex Vines and Jean-Pierre Witty. Mr. Cissoko and Jean-Luc Gallet shared their experience from the Group of Experts on the Democratic Republic of the Congo, in particular with regard to the implementation of the arms embargo. Mr. Kalumba, a financial expert on the Monitoring Group on Al-Qaida and the Taliban, highlighted problems with implementing financial sanctions. Mr. Vines focused on the general conditions under which monitoring mechanisms operate and called for increased cooperation among them. He also suggested that sanctions committees, rather than monitoring mechanisms, be entrusted with the task of designating individuals and entities subject to targeted sanctions.

5. At its meeting on 27 September 2005, the Working Group was briefed on the issue of the proposals of the Governments of Switzerland, Germany and Sweden (Interlaken, Bonn-Berlin and Stockholm Processes), with a focus on targeted financial sanctions, by five experts: Thomas Biersteker, Elizabeth Joyce, Michael Brzoska, Peter Wallensteen and Peter Maurer. All panellists addressed the results achieved by the three Government Processes and subsequent follow-up action. They also noted that the new challenges faced by the sanctions committees needed to be addressed either through a new sanctions process or by other means.

6. At its meeting on 11 November 2005, the Working Group was briefed on the issue of the humanitarian impact of sanctions by Manuel Bessler, Chief of the humanitarian agenda unit at the Office for the Coordination of Humanitarian Affairs, who had contributed to several humanitarian assessments of sanctions regimes and assisted in completing a handbook on methodology to assess the humanitarian implications of sanctions. Mr. Bessler noted that although the trend had shifted from comprehensive to targeted sanctions, methodologies for assessing the humanitarian implications of certain sanctions remained important.

7. Lastly, at its meeting on 22 November 2005, the Working Group was briefed on the issue of the fight against terrorism through the means of sanctions by four experts: Sue Eckert, Heraldo Muñoz, Nico Schrijver and Michail Vitsentzatos. Ms. Eckert presented a summary of policy development on sanctions and current discussions on future challenges. A part of the presentation was based on her recent research into combating the financing of global terrorism. Professor Schrijver provided an international law perspective on sanctions and commented on two sanctions-related cases that had been before the European Court of Human Rights and the European Court of First Instance. Mr. Vitsentzatos spoke about the usefulness of broadening cooperation between international and regional organizations, referred to the European Union as an implementation partner of the United Nations and explained the practices and challenges of this cooperation. Ambassador Muñoz shared his experiences as the former Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated entities and individuals and underlined the importance of this Committee in the fight against terrorism.

8. As mentioned above, the Working Group invited panels of four or five sanctions experts, often the most prominent experts regarding the issue under consideration, with a background in academia, government, international and regional organizations and sanctions monitoring bodies. In each case, the briefing was followed by a question-and-answer session. The Working Group showed an

interest in new developments regarding the particular topic under discussion, problems and challenges related thereto, the role played by international organizations and practical suggestions for improvements. The selected issues were carefully examined from several relevant perspectives through an interactive and dynamic dialogue. The expert briefings were very useful in providing the Working Group with professional insights into relevant sanctions issues, which greatly assisted the Group in its deliberations and in arriving at observations and recommendations, in accordance with its mandate.

III. General observations and recommendations

9. There follow some general observations on ways to improve the effectiveness of Security Council sanctions, based on the Working Group's consideration of the above topics.

10. The Working Group's deliberations on general issues of sanctions in 2005 coincided with the work on the 2005 World Summit Outcome, which also touches upon issues related to sanctions. Although no specific effort was made by the Group to consider the improvement of sanctions in connection with that Outcome, references were made by some delegations to certain sanctions-related issues, such as periodical sanctions reviews, a call for the Security Council to improve its monitoring of the implementation and effects of sanctions and the establishment of a mechanism to address special economic problems arising from the application of sanctions.

11. Sanctions remain one of the important tools at the disposal of the Security Council for responding to threats to peace and security, including new and evolving challenges, without recourse to the use of force. This is confirmed by the growing number of sanctions regimes and related monitoring mechanisms. It was also observed that the Council, when imposing targeted sanctions, applies more innovative approaches to improve their design and implementation. Members recognized the need to continue efforts to further refine the design and strengthen the implementation of targeted sanctions.

12. As an example of the evolution of targeted sanctions, lists of individuals and entities drawn up by sanctions committees play an increasingly important role in achieving the objectives of targeted sanctions. As a relatively recent innovation in sanctions policy, such lists frequently pose unprecedented technical and political challenges. The sole purpose of sanctions lists is to accurately target those against whom sanctions measures are being applied in order to achieve the objectives stipulated in relevant Security Council resolutions. A better understanding of sanctions lists, and of their potential and limitations, is required at the level of sanctions committees and States. Given the distinct mandates of sanctions committees with respect to the designation of targeted individuals and entities, it is important that relevant sanctions committees continue to address issues related to listing and delisting, as well as sanctions exemptions, through the adoption of new or revised guidelines.

13. Monitoring of sanctions implementation by sanctions committees and monitoring mechanisms, in accordance with relevant Council resolutions, can increase the effectiveness of sanctions. The responsibility for sanctions implementation, however, first and foremost rests with States. Furthermore, the

Security Council continues to receive detailed information regarding the implementation of sanctions regimes from mechanisms tasked with monitoring compliance by States and investigating alleged sanctions violations. More attention should be paid to implementing the recommendations of these monitoring mechanisms in order to gain the maximum benefit from their efforts. There should be more coordination, interaction and exchange of information among such monitoring mechanisms, including through regularized channels, in order to enhance their working methods and efficiency. The Council should also be able to determine ways of strengthening the performance of sanctions monitoring, including through greater coordination and coherence to improve efficiency and more effective use of resources. Monitoring mechanisms should also be utilized more by sanctions committees for the provision of analytical and technical information that might allow more professional and speedy consideration of specific issues. Prompt action by sanctions committees and increased transparency in their work can have a positive impact on the level of preparedness of States to implement sanctions. A proactive and dynamic chairman of a sanctions committee plays an indispensable role in this regard.

14. Cooperation with relevant international, regional and subregional organizations and specialized agencies should be further enhanced, including strengthening the ability to implement sanctions of those States that face implementation problems for reasons other than a lack of political will. Such assistance would enable the Council to determine the reasons for non-compliance and to take the necessary steps to ameliorate the situation.

15. The Interlaken, Bonn-Berlin and Stockholm Processes have substantively enhanced the understanding of the concept and implementation of sanctions measures. Although most of the recommendations generated in these Processes are of permanent value, the specific nature of issues encountered in some current targeted sanctions regimes and their implementation could require further refinement.

16. Unlike comprehensive sanctions, targeted sanctions tend to have minimal negative effects on civilian populations and third States. Nevertheless, if targeted sanctions are not properly designed and implemented, their legitimacy can be compromised and their usefulness questioned.

17. The Security Council has an array of options at its disposal in responding to threats to international peace and security. Sanctions are one such option. In this regard, the Council may wish to address the issue of how to enhance the preventive nature of sanctions and their utility within other parallel strategies. The Council should continue to apply an integrated approach in response to threats to international peace and security, including those where the Council makes use of sanctions.

18. Members also observed an increasing fatigue among States with regard to reporting and visits by different monitoring mechanisms and other bodies, and noted the need to address that challenge, possibly by adopting a more flexible and direct approach to States.

IV. Conclusions

19. In accordance with its mandate, the Working Group focused on how to improve the effectiveness of sanctions regimes and, in so doing, generated a number of useful and innovative ideas. Although the attempt to catalogue these ideas did not proceed as expeditiously as desired, the exchange of views, on an informal basis, among members of the Council, with the participation of top experts on sanctions and other matters, enhanced the understanding of various aspects of sanctions in general, and of specific sanctions measures in particular. It also highlighted issues related to the institutionalized support of sanctions through sanctions committees, the Secretariat and monitoring mechanisms. The exchange of views also contributed to identifying new issues, challenges and problems in sanctions implementation.

20. The Working Group notes with appreciation the involvement of experts from academia, government, the Secretariat and other areas, who described bold strategies for the accurate and efficient use of sanctions to address the new challenges to international peace and security, in particular terrorism. Although initial discussions in the Working Group indicated the importance of the practice of continuing to deliberate on ways to enhance the effectiveness of United Nations sanctions, the Group did not reach conclusions concerning its future role in conducting or facilitating those deliberations.

21. As long as threats to international peace and security exist sanctions will remain an essential tool of the Security Council, and the ongoing search for their improvement is a worthy undertaking. The question of who should lead this effort, and how, is one that the Council may wish to consider.

Attachment

Activities of the Working Group for the period from 2000 to 2004

1. Under the leadership of the first Chairman, Ambassador Anwarul Chowdhury of Bangladesh, the Working Group commenced discussions in May 2000, and held more than 25 subsequent meetings. At many of these meetings, experts with different areas of expertise were invited to brief the Working Group on relevant issues. On the basis of these briefings, a draft non-paper, entitled "Chairman's proposed outcome", identified ways in which the effectiveness of sanctions might be improved.

2. Under the Working Group's second Chairman, Ambassador Martin Belinga-Eboutou of Cameroon, during the period from 2002 to 2003, the Working Group continued its work under the same mandate. Specific attention was paid to a number of issues, as identified by Ambassador Chowdhury in his report to the Security Council of 16 February 2001, on which consensus had not been reached. Despite the Chairman's efforts, it was not possible to reach an overall agreement on those issues. Ambassador Belinga-Eboutou briefed the Council accordingly on 18 December 2003, and a report of the Working Group to this effect was issued on 22 January 2004 (S/2003/1197, annex).

3. Under the chairmanship of Ambassador Joël W. Adechi of Benin, the Working Group held three informal meetings in 2004. The key issues on which consensus could not be reached were the following: the duration of sanctions, i.e., whether sanctions should be, in principle, time-limited; the related issue of criteria for lifting sanctions; Committee decision-making (whether by consensus or simple majority); and addressing the concerns of third States adversely affected by sanctions. Most delegations favoured continuing the consideration of the Chairman's proposed outcome (Rev.10). At least one delegation was of the view that the draft non-paper was outdated, since, in the wake of the events of 11 September 2001, it failed to address the Security Council's use of sanctions as a key policy tool in international efforts to combat the threat posed by global terrorism, particularly in the area of terrorist financing.

4. After thorough discussion and assessment of the practice of the Security Council in the use of sanctions, the Working Group came to the conclusion that many of the recommendations identified during its previous discussions and highlighted in the Chairman's proposed outcome, coupled with ideas advanced at the Interlaken, Bonn-Berlin and Stockholm Processes, had resulted in tangible and concrete changes during the past several years. Those changes had affected the manner in which the Council designed and imposed sanctions regimes; how States implemented sanctions; and the functioning of the Secretariat (specifically the Security Council Subsidiary Organs Branch). To underscore the importance of such improvements, the Working Group highlighted a number of the changes, in the former Chairman's letter to the President of the Council dated 17 December 2004 (see S/2004/979, annex).

5. It is worthwhile to note that since the establishment of the Working Group, the above-referenced Chairman's proposed outcome had undergone 10 major revisions in an attempt to reach consensus among the members of the Working Group. Disagreements among members concerning a very limited number of key issues

prevented the finalization of the document. The latest draft version of the Chairman's proposed outcome (Rev.10), dated 26 September 2002, containing 65 recommendations, is available at the Group's website (http://www.un.org/Docs/sc/committees/sanctions/index.html).

6. In the note by the President of the Security Council dated 23 December 2004 (S/2004/1014), the Council decided to extend the mandate of the Working Group until 31 December 2005. The Working Group continued to be mandated to develop general recommendations on how to improve the effectiveness of sanctions. Within this framework, the Group was also mandated to address a number of specifically outlined issues and with the consensus of its members, through open and informal dialogue with interested States, as well as international, regional, intergovernmental and other relevant organizations. The Council also noted that the Working Group should benefit from all available sanctions expertise, including by being briefed, on a case-by-case basis, by appropriate experts.

United Nations S/2005/842*

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* Reissued for technical reasons.

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18. Members also observed an increasing fatigue among States with regard to reporting and visits by different monitoring mechanisms and other bodies, and noted the need to address that challenge, possibly by adopting a more flexible and direct approach to States.

IV. Conclusions

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Attachment

Activities of the Working Group for the period from 2000 to 2004

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4. After thorough discussion and assessment of the practice of the Security Council in the use of sanctions, the Working Group came to the conclusion that many of the recommendations identified during its previous discussions and highlighted in the Chairman's proposed outcome, coupled with ideas advanced at the Interlaken, Bonn-Berlin and Stockholm Processes, had resulted in tangible and concrete changes during the past several years. Those changes had affected the manner in which the Council designed and imposed sanctions regimes; how States implemented sanctions; and the functioning of the Secretariat (specifically the Security Council Subsidiary Organs Branch). To underscore the importance of such improvements, the Working Group highlighted a number of the changes, in the former Chairman's letter to the President of the Council dated 17 December 2004 (see S/2004/979, annex).

5. It is worthwhile to note that since the establishment of the Working Group, the above-referenced Chairman's proposed outcome had undergone 10 major revisions in an attempt to reach consensus among the members of the Working Group. Disagreements among members concerning a very limited number of key issues

prevented the finalization of the document. The latest draft version of the Chairman's proposed outcome (Rev.10), dated 26 September 2002, containing 65 recommendations, is available at the Group's website (http://www.un.org/Docs/sc/committees/sanctions/index.html).

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United Nations S/2005/843

Security Council

Distr.: General
30 December 2005

Original: English

Letter dated 30 December 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone containing an account of the Committee's activities for 2005 (see annex). The report is being submitted in accordance with the note by the President of the Security Council dated 29 March 1995 (S/1995/234).

(*Signed*) Ronaldo Mota **Sardenberg**
Chairman
Security Council Committee established pursuant to
resolution 1132 (1997) concerning Sierra Leone

05-66734 (E) 050106

Annex

Report of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone covers the period from 1 January to 31 December 2005.

2. A report of the Committee covering its activities from 1 January to 31 December 2004 was submitted to the Security Council on 25 January 2005 (S/2005/44).

3. For 2005, the Bureau consisted of Ambassador Ronaldo Mota Sardenberg (Brazil) as Chairman, with the delegations of Algeria and Argentina providing the Vice-Chairmen (see S/2005/3).

4. The Committee did not meet during the reporting period. However, the members were able to take all necessary decisions through the no-objection procedure.

II. Background information and summary of the work of the Committee

A. Background information

5. By its resolution 1132 (1997) of 8 October 1997, the Security Council, determining that the situation in Sierra Leone, following the military coup of 25 May 1997, constituted a threat to international peace and security in the region, imposed a mandatory ban on the sale or supply by States to Sierra Leone of arms and related materiel as well as petroleum and petroleum products. The Security Council, by paragraph 5 of the resolution, also imposed travel restrictions on members of the military junta and adult members of their families. Subsequently, by its resolution 1156 (1998) of 15 March 1998, the Council lifted the oil embargo and, by its resolution 1171 (1998) of 5 June 1998, confirmed the removal of sanctions on the Government and reimposed the embargo on the sale or supply of arms to Sierra Leone other than to the Government, as well as the travel ban on leading members of the Revolutionary United Front and of the former military junta.

6. On 5 July 2000, the Security Council adopted resolution 1306 (2000), in which it decided, inter alia, that all States should, for an initial period of 18 months, prohibit the direct or indirect import of rough diamonds from Sierra Leone to their territory. In the same resolution, the Council also decided that diamonds controlled by the Government of Sierra Leone through the certificate of origin regime would be exempt from those measures.

7. The Council's prohibitions on the import of rough diamonds from Sierra Leone not controlled by the certificate of origin regime were extended for an additional period of 11 months by its resolution 1385 (2001), and for another period of 6 months by its resolution 1446 (2002).

8. On 5 June 2003, the President of the Security Council read out a statement to the press (SC/7778) in which he noted, inter alia, that in the light of the increased efforts of the Government of Sierra Leone to control and manage its diamond industry and ensure proper control over diamond-mining areas and its full participation in the Kimberley Process, members of the Council had agreed not to renew the prohibition against the import of rough diamonds from Sierra Leone not controlled by the certificate of origin regime.

9. With the expiration of the Council's measures concerning diamonds from Sierra Leone, the mandate of the Committee is once again wholly contained in paragraph 6 of resolution 1171 (1998), which stipulates that the Committee should undertake the tasks referred to in paragraph 10 (a), (b), (c), (d), (f) and (h) of resolution 1132 (1997) in connection with the arms embargo on non-State actors and the travel ban imposed by resolution 1171 (1998), both of which are still in force.

10. As at the date of the present report, the travel ban list includes the names of 30 individuals designated as leading members of the former military junta in Sierra Leone, the Armed Forces Revolutionary Council (AFRC), or as leading members of the Revolutionary United Front (RUF). The travel ban list was last revised on 20 September 2004, when 16 names were removed on the basis of information provided by the Government of Sierra Leone. In a letter dated 30 September 2004, the Chairman informed the Permanent Representative of Sierra Leone that the Committee would welcome any further information or recommendations from the Government in connection with the travel ban list or the individuals whose names are inscribed therein. However, in the course of 2005 no further information was received from the Government of Sierra Leone.

B. Summary of the activities of the Committee

11. The Committee received a letter dated 2 August 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Greece to the United Nations informing the Committee of the proposed export of a diesel electric generator from Greece to Sierra Leone by a South African power company. In a reply dated 11 August 2005, the Chairman conveyed the view of the members of the Committee that such equipment did not constitute arms or related materiel as referred to in paragraph 4 of resolution 1171 (1998) and was therefore not subject to the Committee's consideration.

12. In a letter dated 22 August 2005, the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland notified the Committee of the export of blank ammunition and demolition stores to Sierra Leone, in accordance with paragraph 4 of resolution 1171 (1998). In accordance with the same paragraph, the Chairman informed the President of the Security Council about the notification received from the United Kingdom in a letter dated 29 August 2005 (S/2005/561).

13. In a letter dated 3 November 2005, the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland notified the Committee of its intention to grant a licence to a United Kingdom company for the export of armoured cars for use by the Special Court for Sierra Leone, in accordance with paragraph 4 of resolution 1171 (1998). In accordance with the same paragraph, the Chairman informed the President of the Security Council about the notification received from the United Kingdom in a letter dated 10 November 2005 (S/2005/724).

C. Violations and alleged violations of the sanctions regime

14. During the reporting period, no violations or alleged violations of the sanctions regime were brought to the attention of the Committee.

III. Observations

15. In his twenty-seventh report on the United Nations Mission in Sierra Leone (UNAMSIL) (S/2005/777), the Secretary-General noted that the overall security situation in the country had remained stable, and that the national security agencies had continued to acquit themselves satisfactorily since UNAMSIL transferred security primacy to them in 2004.

16. During his two-year term, the Chairman has consulted with members of the Committee on the appropriate time to streamline the legal basis for sanctions in Sierra Leone, while avoiding any disturbance to stability and safeguarding the work of the Special Court.

17. It is the view of the Chairman that following the completion of the drawdown of UNAMSIL the time will be ripe for the Security Council to revisit the legal basis of its measures concerning Sierra Leone. In that regard, he trusts that consultations within the Committee and with the Government of Sierra Leone, as well as with the United Nations Integrated Office in Sierra Leone, soon to be implemented in accordance with resolution 1620 (2005), will be of use to the Security Council.

United Nations S/2005/844

Security Council

Distr.: General
29 December 2005

Original: English

Letter dated 5 December 2005 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council

In 2002, the Council issued a descriptive index of notes and statements by the President of the Security Council relating to documentation and procedure. The index was prepared for the purpose of providing greater ease of reference to this material for all States Members of the United Nations and was circulated as a document of the Security Council (S/2002/1000, annex) and of the General Assembly (A/57/382).

Inasmuch as the index has not been revised since 2002, I suggest that the Council consider recirculating the index and request that the Secretariat provide an updated version for the consideration of the Council. Issuance of an index to all notes would benefit new members of the Council and facilitate participation of all States Members of the United Nations in the work of the Security Council.

(*Signed*) John R. **Bolton**

05-66740 (E) 030106

United Nations S/2005/845

Security Council

Distr.: General
29 December 2005

Original: English

Letter dated 20 December 2005 from the President of the Security Council addressed to the Permanent Representative of the United States of America to the United Nations

I have the honour to inform you that your letter dated 5 December 2005 concerning your proposal for the Security Council to consider recirculating the 2002 descriptive index to notes and statements by the President of the Council relating to documentation and procedure (S/2002/1000, annex) and to request the Secretariat to provide an updated version for the consideration of the Council has been brought to the attention of the members of the Security Council. They welcome the proposal and agree that an updated index would contribute positively to the involvement of new members in the work of the Council and would be of wider benefit to all States Members of the United Nations in facilitating their participation in the work of the Council. The Secretariat has therefore begun work on updating the index and the revised index will be made available shortly.

(*Signed*) Emyr **Jones Parry**
President of the Security Council

05-66746 (E) 030106

United Nations S/2005/846

Security Council

Distr.: General
30 December 2005

Original: English

Letter dated 29 December 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my predecessor's letter of 24 September 2004 (S/2004/778). The Counter-Terrorism Committee has received the attached fifth report from Malaysia submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

05-66862 (E) 300106

BEST COPY AVAILABLE

Annex

Letter dated 22 December 2005 from the Permanent Representative of Malaysia to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

In response to your letter of 29 July 2005, I enclose herewith updates and additional information on measures taken by the Government of Malaysia, as requested by the Counter-Terrorism Committee (see enclosure).

(*Signed*) **Hamidon** Ali
Ambassador
Permanent Representative

Enclosure*

Follow-up response of Malaysia to the report submitted to the Counter-Terrorism Committee

1. Implementation Measures

Effectiveness in the protection of financial systems:

1.1 In Malaysia's fourth report to the Committee, the Committee takes note of the amendments to the Penal Code and the Anti-Money Laundering Act through the adoption of the A1210 and A1208 Acts respectively.

- **The Committee would appreciate receiving a copy of the aforementioned amendments.**

1. A copy each of Acts A1210 and A1208 are attached as **APPENDIX I.**

- **Please provide the Committee with a status report regarding the harmonization of the aforementioned amendments with the Criminal Procedure Code.**

1. The following amendments were enacted in 2003:

1.1 Penal Code (Amendment) Act 2003 – amended the Penal Code to make the commission of terrorist acts, the financing of terrorist acts and hostage-taking specific offences under Malaysian Law. Amendments were also made to extend the grounds on which Malaysia may claim jurisdiction over these offences when committed outside its territory; and

1.2 Anti-Money Laundering (Amendments Act 2003 – amended the Anti-Money Laundering Act 2001 to enable the authorities concerned to trace, freeze, seize and forfeit monies intended to be used for or acquired as a result of terrorist acts regardless whether the sources of those funds is legitimate or the proceeds of other predicate offences. The amendments also enable the Minister to give effect to the Security Council lists to freeze the assets of listed terrorists.

2. Although the Penal Code (Amendment) Act 2003 and the Anti-Money Laundering (Amendment) Act 2003 have become law, they have not been brought into effect yet as the consequential amendments contained in the Criminal Procedure Code

* Attachments are on file with the Secretariat and are available for consultation.

(Amendment) Bill 2004 have not been passed by Parliament. The Bill was referred to a Select Committee of Parliament in May 2004.

3. The Select Committee was expected to complete its work and to report to Parliament in July 2005. However, an extension was sought and granted in July 2005 as the Minister in charge of the Bill had requested the opportunity to incorporate proposals for amendments to the Criminal Procedure Code that had been made in the Report of the Commission to Enhance the Operation and Management of the Royal Malaysian Police (June 2005).

4. The Select Committee is now expected to table its report to Parliament in March 2006. Thereafter the passage of the Criminal Procedure Code (Amendment) Bill 2004 is expected to proceed.

1.2 The Committee would be pleased to receive copies of the evaluations mentioned in the fourth report to the Committee (at page 12).

1. A copy each of the summary of the APG Mutual Evaluation Report on Malaysia and the Executive Summary of the ASEM Training and Technical Assistance Needs Anlysis for Malaysia is attached as **APPENDIX II (A) AND II (B).**

Effectiveness of counter-terrorism measures:

The Committee would be pleased to receive a status report regarding:

1.3 The implementation of legislation addressing conventions and protocols outlined in the fourth report (at pages 14 – 15).

1. International Convention for the Suppression of the Financing of Terrorism

The new Chapter VIA in the Penal Code and the new Chapter VIA and other related amendments to the Anti-Money Laundering Act 2001 to give effect to this Convention have not come into effect yet as consequential amendments to the Criminal Procedure Code are still pending before the Parliament. Accession to the Convention will proceed once these amendments come into effect.

2. International Convention against the Taking of Hostages

The new section 347A in the Penal Code to criminalize the Convention offence has not come into effect yet as consequential amendments to the Criminal Procedure Code are still pending before the Parliament. Accession to the Convention will proceed once these amendments come into effect.

3. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation

Amendments to the Aviation Offences Act 1984 to criminalize the Protocol Offences were completed in August 2005 through the Aviation Offences (Amendment) Act 2005. Malaysia is taking the necessary action to ratify the Protocol.

4. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation

Amendments to the Penal Code to criminalize the Convention offences are being drafted, taking into account the proposed amendments to the Convention that are being negotiated under the auspices of the International Maritime Organization. Accession will proceed once the amendments come into effect.

5. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms on the Continental Shelf

Amendments to the Penal Code to criminalize the Protocol offences are being drafted, taking into account the proposed amendments to the Convention that are being negotiated under the auspices of the International Maritime Organization. Accession will proceed once the amendments come into effect.

6. Convention on the Marking of Plastic Explosives for the Purposes of Detection

Amendments to the Explosives Acts 1957 are scheduled to be tabled at the September-December 2005 Parliament Session. Accession will proceed once these amendments come into effect.

7. Convention on the Physical Protection of Nuclear Material

Amendments to the Atomic Energy Licensing Act 1984 are being drafted, taking into consideration the amendments to the Convention in July 2005. Accession will proceed once these amendments come into effect.

- **Malaysia's intentions to become party to the seven remaining conventions and protocols regarding counter-terrorism.**

1. The Malaysian Government has given approval for Malaysia to become party to all remaining conventions and protocols regarding counter-terrorism and the necessary legislative and administrative measures required are being undertaken.

2. Malaysia has also signed the *International Convention on the Suppression of Acts of Nuclear Terrorism* on 16 September 2005. Further legislative and administrative measures will be taken to allow ratification of this Convention

1.4 Have administrative, investigative, prosecutorial and judicial authorities in Malaysia received training regarding the enforcement of laws pertaining to:

- **Typologies and trends on terrorism financing methods and techniques.**

- **Techniques for tracing criminal properties and funds.**

1. A copy of a matrix detailing the training programmes that relate to typologies and trends on terrorism financing as well as techniques for tracing criminal properties and funds is attached as **APPENDIX III.**

1.5 Does Malaysia have a witness protection programme? If the response is in the affirmative, the Committee would be grateful if Malaysia could provide the Committee with relevant details pertaining to the programme. However, if the response is in the negative, please explain what measures are employed to elicit informants in the prevention of terrorism.

1. At present, Malaysia does not have a formal witness protection programme. However, there has been a proposal for Malaysia to

formalize a witness protection programme since 2003 and the Ministry of Internal Security together with the Royal Malaysian Police and the Legal Affairs Division, Prime Minister's Department, has carried out study tours and formulated various proposals. The matter is still under consideration.

2. However the absence of a formal witness protection programme does not mean that there are no facilities for witness protection:

2.1 The Penal Code and the Abduction and Criminal intimidation of Witnesses Act 1947 among others criminalize acts which interfere with witnesses; and

2.2 The Royal Malaysian Police, the Royal Customs Department, the Anti-Corruption Agency and the other law enforcement agencies also have administrative measures in place to deal with the protection of witnesses.

Effectiveness of custom, immigration and border controls:

1.6 Pursuant to sub-paragraphs 3(a) and paragraph 4 of the resolution, please elaborate on the restrictions that the 1988 Customs Order Act places on the import and export of dangerous, hazardous and high risk items, such as firearms, chemicals and weapons.

1. All goods imported and exported from Malaysia must be declared to the Royal Malaysian Customs. Either due to economic, social and security reasons, the Minister can order, under Section 31 (1) of the Customs Act 1967, to prohibit the importation and exportation of such goods subject to a license or in a manner prescribed under the Customs (Prohibition of Imports) Order 1998 and Customs (Prohibition of Exports) Order 1998. The Royal Malaysian Customs is tasked to ensure that the restricted good complies with the provisions of the importation and exportation Orders.

2. In the case of firearms and weapons, the importation and exportation of such goods are subject to a permit issued by the Royal Malaysian Police. The importation or exportation is subject to police scrutiny and the purpose with which the item is intended for.

3. In the case of certain chemicals, the Ministry of Health must issue a license for the importation and exportation of the chemicals.

1.7 The Committee would be grateful if Malaysia would elaborate on the risk assessment technique the Royal Malaysian Customs has developed to inspect all incoming and outgoing goods. Has this technique yielded an increase in the number of successful interceptions of activities that contravene Malaysian laws, especially those pertaining to the prevention of terrorism?

1. The Risk Assessment Technique implemented by the Royal Malaysian Customs is conducted based on selectivity and targeting through the gathering and sharing of information with other law enforcement agencies. This allows for balancing trade facilitation and the enforcement on compliance of the law.

2. This Technique has proven to be successful in preventing the smuggling of goods classified as contraband under Malaysian law such as narcotics, illegal liquor and electrical goods. As of now, there have been no cases of goods related to terrorist activities.

1.8 Malaysia's fourth report to the Committee notes the use of non-intrusive scanning machines by the Royal Malaysian Customs to facilitate the examination of goods at the main ports. Please elaborate on the detection process and explain what further action may be taken.

1. Scanning machines are placed at the entry and exit points of selected ports. The examination techniques are based on selectivity and targeting, whereby the suspected goods (in container) will have to pass though the scanning machine before a physical inspection by Royal Malaysian Customs officers. Any contraband or illegal good detected will be confiscated.

1.9 The Committee would be grateful if Malaysia would provide a status report regarding the initiative to procure radiation detection and monitoring devices, as noted in the fourth report (at page 18). Have these devices been procured? How will they be implemented?

1. Malaysia has not yet procured the radiation detection devices as yet due to budgetary constraints. However, the training of Royal Malaysian Customs and Royal Malaysian Police officers on radiation safety and raising awareness has started with collaboration with the Malaysian Atomic Energy Licensing Board (AELB) and the Malaysian Institute of Nuclear Technology (MINT). The AELB, with the assistance of the IAEA, had initiated a pilot "Training Course in Monitoring, Detecting and Identification of

Nuclear and Radioactive Materials at International Borders" from 27 June to 1 July 2005.

1.10 Has Malaysia implemented the common standards of the World Customs Organisation with regard to electronic reporting and the promotion of supply chain security?

1. Malaysia has implemented the common standards of the WCO electronic reporting. Malaysia has stated its approval for intent to the WCO for the promotion of supply chain security, though implementation is at an initial stage.

1.11 Are Customs and Immigration two separate agencies in Malaysia? To what extent do Immigration and Customs coordinate their activities and share information?

1. The Royal Malaysian Customs and the Department of Immigration are two separate agencies in Malaysia under the purviews of the Ministries of Finance and Home Affairs respectively. Both agencies share information on smuggling and trafficking activities that are detected. These consist of details such the personal information of the smugglers or traffickers such as their names, date of birth and address, as well as other information related to their movement and links with other criminals. Moreover, the Department of Immigration maintains a suspect list of wanted or suspected persons.

2. The Royal Malaysian Customs and the Department of Immigration work very closely with each other, and there are officers from each agency at every point of entry throughout the country. Both agencies coordinate their activities such as when conducting operations and during inspections at points of entry. Anti-Smuggling Preventive Units have been formed for this purpose.

1.12 Does Malaysia utilize an advanced passenger manifest programme to scan inbound passengers' names against terror databases on international flights before they land?

1. Malaysia is in the course of implementing the advance passengers' database which is under the auspices of the Ministry of Home Affairs. The Malaysian government has received proposals on the API systems from Malaysian companies on costs factors in implementing it. Although Malaysia does not have the API system, other mechanisms, such the Suspect Line System operated by the

Immigration Department, are used to scan inbound passengers' names against terror databases on international flights before they land. An individual, whose name triggers the database, will Not be permitted To Land (NTL) in Malaysia.

1.13 The Committee notes the integration of 'smart chip' technology into new Malaysian passports and identity cards. Does Malaysia maintain a database of lost or stolen passports and identity cards? If so, is this information shared with other States on a regular basis?

1. Malaysia stores the record of Malaysian passports issued to any eligible individual on a central database. Any lost or stolen passport reported and the renewal of passports to any individual will be recorded. Therefore any misuse of a passport reported lost or stolen by a third party can be traced by the records maintained by the Immigration Department. Malaysia is a member providing lost and stolen Travel Documents to the ICPO database.

1.14 Does Malaysia permit non-residents to legally change their name? If so, how is positive identification established (e.g. fingerprinting, biometrics, photographs)?

1. Malaysia does not permit non-residents to legally change their names.

Effectiveness of international cooperation in criminal matters

1.15 The Committee would be grateful if Malaysia could elaborate on how many letters rogatory it has sent or received in the past few years. How many such letters have been executed?

1. For the period 2004-2005, Malaysia has sent one letter rogatory which has not been executed and has received two and executed one letters rogatory.

2. Malaysia generally renders mutual legal assistance in criminal matters under:

2.1 the Mutual Assistance in Criminal Mater Act 2002 (MACMA) – all serious offences; or

2.2 Part VII of the Dangerous Drugs (Forfeiture of Property) Act 1988 – drug related matters.

3. The Attorney-General of Malaysia is the Central Authority to make and receive all requests for mutual assistance in criminal matters under the MACMA while the Inspector-General of Police is the designated Central Authority for requests made under the Dangerous Drugs (Forfeiture of Property) Act 1988.

4. Under the MACMA, the legal basis for rendering assistance is a treaty of agreement. In the absence of such treaty, assistance may still be rendered if the relevant Minister issues a Special Direction to allow the MACMA to be used to execute the request for assistance.

5. The MACMA came into force on 1 May 2003. Since that time, Malaysia has made three requests to foreign states and all have been successfully executed. Malaysia has also received 22 requests for mutual legal assistance from foreign states, all being non-treaty partners. Eight requests have been successfully executed under the Special Direction mechanism while action on the remaining 14 is pending. One of these requests, which was was received in the form of a letter rogatory but with the consent of the requesting State, is being executed as a request for mutual legal assistance under the MACMA. No request for mutual legal assistance under the MACMA has been refused to date.

6. The mutual legal assistance in criminal matters mechanism is preferred as it is simpler, faster and more direct than the letters rogatory mechanism. Furthermore, it is available during the investigation stage of a criminal matter unlike letters rogatory.

1.16 Has Malaysia sent or received any requests for extradition? Please state how many requests have been executed or refused and the reasons for these actions.

1. Malaysia requests and renders extradition assistance under the Extradition Act 1992. The Minister of Internal Security is the Central Authority to make and receive all extradition requests under the Extradition Act 1991 unless variation in made under a specific bilateral extradition treaty. In this regard, the Attorney-General of Malaysia is the designated Central Authority under Malaysia's extradition treaties with the United States and Hong Kong S.A.R. However, all requests under these treatises are handled in consultation with the Ministry of Internal Security.

2. Under the Extradition Act 1992, the legal basis for rendering extradition is a treaty of agreement. In the absence of such treaty, extradition may still be granted if the Minister responsible for fugitive criminals (Minister of Internal Security) issues a Special Direction to allow the Extradition Act 1992 to be used to execute the extradition request.

3. In the period 2002 – 2005, Malaysia did not make any extradition requests to any foreign state. During the same period, Malaysia received 12 extradition requests, of which four were from treaty and eight from non-treaty partners. Of these requests, 3 have been complete while 9 are pending.

4. No request for extradition under the Extradition Act 1992 has been refused to date. However, actions on several requests were delayed due to inappropriate forms of requests, or inadequate information in the requests. In such cases, Malaysia has requested that the necessary additional information be provided for rectification be made.

Effectiveness of controls preventing access to weapons by terrorists

1.17 With regard to the Arms Act, the Committee would be grateful if Malaysia would elaborate on what types of firearms may be licensed for possession by individuals, how many pieces of each type may be licensed and whether there are any exceptions to these rules.

1. The types of firearms that may be licensed for possession by individuals are: pistols; revolvers; shotguns; pump guns; rifles; air-guns; air-pistols; or spear guns (harpoon). Details are provided in Section 2 of Arms Act 1960.

2. The number of pieces of each type of firearm that may be licensed to individuals is conducted on case to case basis through guidelines and criteria based on the need and reason of the individual.

3. Exceptions to these rules are permitted for exhibitions (eg: Defense Services Asia Exhibition, Langkawi International Maritime and Aviation Exhibition). See also Section 6 of Arms Act 1960 also provides exemptions from the requirements to hold arms licenses or arms permits. Section 60 allows the Minister power to exempt, particularly for the purpose of exhibition, and exemptions from section 3 (2), section 5 (1) (a) & (b), section 58 of Arms Act 1960.

4. The relevant provisions of the Arms Act 1960 are attached as **APPENDIX IV.**

1.18 Concerning legislation regarding radiological substances in Malaysia, the Committee would be grateful if Malaysia would elaborate on what reporting and auditing procedures have been implemented in order to detect the loss or theft of nuclear and radiological materials. How is radiological material regulated in Malaysia? How is compliance with reporting obligations enforced?

1. The regulation of nuclear material is regulated through the following relevant provisions of the Atomic Energy Licensing Act, 1984:

1.1 Sec. 12 (1) requires a license for all persons who deal in, possess or dispose any radioactive or nuclear materials.

1.2 Sec 20 requires a return to be made by every licensee who has in his possession or under his control any radioactive or nuclear material.

1.3 Section 21 requires a return of every sale of any radioactive or nuclear material to be submitted to the Atomic Energy Licensing Board.

2. Reporting requirements due to theft and loss are detailed in Regulation 53 of the Radiation Protection (Basic Safety Standards) Regulations, 1988, as follows:

2.1 "53 (1) The licensee shall, upon discovering any theft or loss of any radioactive material, nuclear material, prescribed substance or irradiating apparatus in his possession or control –

(a) notify the appropriate authority of such theft or loss within 24 hours;

(b) submit a complete report of the theft or loss to the appropriate authority within 30 days.

2.2 "53 (2) The report to be submitted by the licensee under paragraph (b) of sub-regulation (1) shall contain –

(a) a description of the licensed apparatus, substance or material involved, including its kind, quantity and its chemical and physical forms, wherever appropriate;

(b) a description of the circumstances under which the loss or theft occurred;

(c) a statement of the whereabouts or probable whereabouts of the licensed apparatus, substance or material involved;

(d) the possible radiation exposure to individuals, circumstances under which the exposure could have occurred, and the extent of potential hazard to members of the public;

(e) the actions which have been taken, or will be taken, to recover the licensed apparatus, substance or material;

(f) the procedures or measures which have been or will be adopted to prevent a recurrence of the loss or theft of the licensed apparatus, substance or material; and

(g) any other information which the licensee deems necessary.

3. Methods of enforcement include:

3.1 Record monitoring – the returns of possession and returns of sale are compulsory to be sent to the AELB;

3.2 A database of Ionizing Radiation and Nuclear Energy Activities in Malaysia is continuously updated. This database includes information on the import, export, transit and inventory of radioactive materials, nuclear materials, irradiating apparatus' with locations and the disposal of radioactive materials;

3.3 Approvals are needed for the transfer of location, importing, exporting, transiting and disposal of radioactive or nuclear materials;

3.4 Informed inspections - including inventory checking, and spot checks;

3.5 Inspections, search and seizure upon complaints received; and

3.6 Investigation and prosecution upon non-compliance.

1.19 The Committee would welcome a status report regarding the Mega Ports Initiative. Has the study been completed? If the response is in the affirmative, please elaborate on the findings and recommendations; if the response is in the negative, please inform the Committee when the study is expected to be completed?

1. The Malaysian Cabinet had agreed on 20 April 2005 to the proposal to implement the Mega Ports Initiative. However, in order for the Initiative to be operational, a Memorandum of Understanding (MOU) between Malaysia and the United States needs to be signed. The Royal Malaysia Customs is currently finalizing the MOU with the United States.

United Nations S/2005/847

Security Council

Distr.: General
30 December 2005

Original: English

Letter dated 20 December 2005 from the Secretary-General addressed to the President of the Security Council

I have the honour to inform you that the United Nations has received a request from the Chairman of the Independent Inquiry Committee, Paul Volcker, to maintain the operation of the Independent Inquiry Committee until the end of March 2006. I have also received a letter from the Permanent Representative of Iraq to the same effect.

Given the support of the Government of Iraq for this proposal and in view of the volume of inquiries to the Committee for the cooperation coming from Member States seeking to follow up on the findings of its final report, I have decided to accede to this request. In this context, I attach herewith a letter from my Chief of Staff to Mr. Volcker setting out the basis for the extension and other important details on the follow-up functions of the Independent Inquiry Committee and related matters (see annex). You will note that the Committee, having fully completed its investigation, would not retain any ongoing investigative capacity or authority.

I should be grateful if you could bring the present letter and its annex to the attention of the members of the Security Council for their information.

(*Signed*) Kofi A. **Annan**

06-20031 (E) 040106

Annex

Letter dated 20 December 2005 from the Chef de Cabinet addressed to the Chairman of the Independent Inquiry Committee

I refer to your letter of 18 November requesting authorization from the United Nations for the Independent Inquiry Committee on the oil-for-food programme to continue in operation until the end of March 2006 and referencing your discussion with the Permanent Representative of Iraq in this regard. The Secretary-General has now separately received a similar letter from the Permanent Representative of Iraq with the same request.

Given the support of the Government of Iraq for this proposal and recognizing the volume of enquiries to the Committee for cooperation coming from Member States seeking to follow up on the findings of its final report, the Secretary-General is happy to accede to this request. This extension would be exclusively for the purposes of assisting with duly authorized law enforcement and regulatory agencies in cases they may be pursuing against companies, individuals and other entities resulting from the work of the Independent Inquiry Committee. Having fully completed its investigation, the Committee would not retain any ongoing investigative capacity or authority. The functions of the remaining staff would be managing access to the substantial documentary archive the Committee has amassed during the course of its work. They would also be responsible, in coordination with the United Nations, for making sure the archive is preserved and catalogued for future use.

As discussed with your office, given its limited follow-up function, the Committee itself would formally disband at the end of December. However, a follow-up entity, provisionally designated the Office of the Independent Inquiry Committee, would continue through the end of March 2006 to support the follow-up activities outlined above, with some additional funding also to be provided for April 2006 to cover any final costs associated with formally closing the Office. Reid Morden, Executive Director of the Committee, would become Executive Director of the new Office. You and your fellow Committee members have kindly agreed to remain as an advisory panel available for consultation to resolve any policy and operational issues relating to the release of documents that might come to light. We would also have to inform the Security Council of these extended arrangements.

At the end of March 2006, the United Nations would take over formal management control of the archive of the Committee, ensuring their integrity and providing full cooperation with any new or ongoing investigations by appropriate national authorities. It is very likely we would seek to retain several Committee staff members with knowledge of the archive to respond to future enquiries, and seek some additional funding for their retention as well as to cover costs relating to management of the archive. As there will need to be a seamless disclosure policy between the period when the Office of the Independent Inquiry Committee manages the archive and its subsequent reversion to United Nations control, the quick conclusion of the discussions between the United Nations and the Committee on an information disclosure and document retention policy is now imperative.

(*Signed*) Mark Malloch **Brown**
Chef de Cabinet

United Nations S/2005/848

Security Council

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30 December 2005

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Letter dated 30 December 2005 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 20 December 2005 (S/2005/847) and its annex, concerning your decision to maintain the operation of the Independent Inquiry Committee until the end of March 2006, has been brought to the attention of the members of the Security Council. They take note of the information and decision contained in your letter and its annex.

In particular, Council members note that the Committee, having fully completed its investigation, would not retain any ongoing investigative capacity or authority. Extension of the operation under the chairmanship of the Executive Director of the Committee would be exclusively for the purposes of assisting the national bodies investigating the cases resulting from its work, and the remaining functions would be to manage appropriate access to the Committee archive and to ensure its appropriate preservation and disposition.

(*Signed*) Emyr **Jones Parry**
President of the Security Council

06-20004 (E) 050106

United Nations

Security Council

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30 December 2005

Original: English

Letter dated 23 December 2005 from the Secretary-General addressed to the President of the Security Council

I have the honour to acknowledge receipt of your letter of 15 December 2005 (S/2005/794) concerning the extension of the mandate of my Special Representative for the Great Lakes Region. I regret to inform you that the information requested in your letter is unlikely to be available by 31 December 2005, when the current mandate of my Special Representative expires. Therefore, it is my intention to extend the mandate of my Special Representative until 31 March 2006. I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

06-20010 (E) 040106

United Nations S/2005/850

Security Council

Distr.: General
30 December 2005

Original: English

Letter dated 30 December 2005 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 23 December 2005 (S/2005/849) concerning your intention to extend the mandate of your Special Representative for the Great Lakes Region until 31 March 2005 has been brought to the attention of the members of the Security Council. They take note of the information and intention expressed in your letter.

(*Signed*) Emyr **Jones Parry**
President of the Security Council

06-20018 (E) 050106

United Nations S/2005/851

Security Council

Distr.: General
30 December 2005

Original: English

Letter dated 30 December from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Upon instructions from my Government and with reference to the letter dated 17 September 2005 from the Permanent Representative of Bahrain to the United Nations and the annex to the said letter (A/60/388-S/2005/612), I have the honour to state that the Islamic Republic of Iran categorically rejects the baseless claims contained therein regarding the Iranian islands of Abu-Musa, the Greater Tunb and the Lesser Tunb and reiterates that these islands are integral and eternal parts of the Iranian territory and that the contents of the annex to the said letter regarding these Iranian islands are totally baseless and void of any legal value.

The Islamic Republic of Iran continues to believe that continuation of positive and constructive negotiations between the Iranian Government and the relevant officials of the United Arab Emirates will lead to the expansion of bilateral relations between the two countries in various fields and will help to remove any misunderstanding between the two countries with regard to the implementation of the 1971 Memorandum of Understanding between Iran and Sharja about the Iranian island of Abu-Musa.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) M. Javad **Zarif**

06-20024 (E) 040106

United Nations S/2005/852

Security Council

Distr.: General
30 December 2005

Original: English

Letter dated 22 December 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the following statement on the Darfur peace talks in Abuja issued on 21 December 2005 by the Presidency on behalf of the European Union (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Emyr **Jones Parry**
Permanent Representative of the United Kingdom
of Great Britain and Northern Ireland

06-21713 (E) 250106

Letter dated 22 December 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on the Darfur peace talks in Abuja issued on 21 December 2005 by the Presidency on behalf of the European Union

The European Union is closely following the Darfur peace talks in Abuja, the seventh round of which began at the end of November 2005. The Special Representative of the European Union for the Sudan, Pekka Haavisto, has visited the talks twice during this round, and several member States are represented there. The European Union welcomes the progress that has been made in the wealth-sharing commission since the beginning of the round. But it is gravely concerned at the lack of progress on the other two tracks (power-sharing and security arrangements) in the first two and a half weeks. This appeared to be the result of a lack of willingness of the negotiators of the Sudanese Liberation Movement Army and the Justice and Equality Movement, in particular genuinely to engage on these issues. It welcomes the resumption of dialogue between the parties in the power-sharing commission on 19 December, and hopes that this will be the start of real progress. It urges all the parties to show their commitment to peace in Darfur by negotiating positively and flexibly, with a view to reaching a rapid settlement. The European Union reiterates its full support to the African Union-led mediation team and commends it for its tireless efforts in these talks.

The European Union is also deeply concerned by the continuing violations of the ceasefire agreements in Darfur. It calls on all sides to stop such attacks immediately and to refrain from any action that might aggravate the situation in Darfur and in Chad. These continuing ceasefire violations make progress in negotiations on security arrangements at Abuja, and in particular the signature of a new, enhanced ceasefire, especially urgent.

The acceding countries Bulgaria and Romania, the candidate countries Croatia,* the former Yugoslav Republic of Macedonia* and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Serbia and Montenegro, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, as well as Ukraine and the Republic of Moldova align themselves with this statement.

* Croatia and the former Yugoslav Republic of Macedonia continue to be part of the stabilization and association process.

United Nations S/2005/853

Security Council

Distr.: General
30 December 2005

Original: English

Letter dated 22 December 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the new constitution of the Democratic Republic of the Congo, issued on 22 December 2005 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Emyr **Jones Parry**
Permanent Representative of the United Kingdom
to the United Nations

06-21719 (E) 250106

Annex to the letter dated 22 December 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on the new constitution of the Democratic Republic of the Congo, issued on 22 December 2005 by the Presidency on behalf of the European Union

The European Union congratulates the Congolese people, the Independent Electoral Commission and MONUC on the successful holding of a referendum on the new Congolese constitution on 18 December 2005. Given the formidable logistical challenges with which they were confronted, the organizers did a remarkable job and the Congolese people responded magnificently by voting in large numbers in most parts of the country, in a positive and peaceful atmosphere. This was a landmark day in the history of the country and its return to democracy.

Results to date suggest a strong endorsement of the draft constitution, underlining the desire of the Congolese people for completion of the transition to full democratic Government as soon as possible. The European Union reiterates its strong commitment to help them achieve that goal and, assuming that a "Yes" vote is confirmed, urges the Government of the Democratic Republic of the Congo and the National Assembly immediately to complete parliamentary consideration and ratification of the draft electoral law.

This will maintain the momentum of the political process and ensure that the stipulated timetable in the Global and Inclusive Agreement for completion of the transition and the holding of elections by 30 June 2006 can be met.

The acceding countries Bulgaria and Romania, the candidate countries Croatia,* the former Yugoslav Republic of Macedonia* and Turkey, the countries of the stabilization and association process and potential candidate countries Albania, Bosnia and Herzegovina, Serbia and Montenegro, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, as well as Ukraine and the Republic of Moldova, align themselves with this declaration.

* Croatia and the former Yugoslav Republic of Macedonia continue to be part of the stabilization and association process.